

REFERENCE TITLE: body art establishments; licensure

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1232

Introduced by
Senator Burton Cahill

AN ACT

AMENDING SECTION 36-136, ARIZONA REVISED STATUTES; AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 11; RELATING TO BODY ART ESTABLISHMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-136, Arizona Revised Statutes, is amended to
3 read:

4 36-136. Powers and duties of director: compensation of
5 personnel

6 A. The director shall:

7 1. Be the executive officer of the department of health services and
8 the state registrar of vital statistics but shall not receive compensation
9 for services as registrar.

10 2. Perform all duties necessary to carry out the functions and
11 responsibilities of the department.

12 3. Prescribe the organization of the department. The director shall
13 appoint or remove personnel as necessary for the efficient work of the
14 department and shall prescribe the duties of all personnel. The director may
15 abolish any office or position in the department that the director believes
16 is unnecessary.

17 4. Administer and enforce the laws relating to health and sanitation
18 and the rules of the department.

19 5. Provide for the examination of any premises if the director has
20 reasonable cause to believe that on the premises there exists a violation of
21 any health law or rule of the state.

22 6. Exercise general supervision over all matters relating to
23 sanitation and health throughout the state. When in the opinion of the
24 director it is necessary or advisable, a sanitary survey of the whole or of
25 any part of the state shall be made. The director may enter, examine and
26 survey any source and means of water supply, sewage disposal plant, sewerage
27 system, prison, public or private place of detention, asylum, hospital,
28 school, public building, private institution, factory, workshop, **BODY ART**
29 **ESTABLISHMENT**, tenement, public washroom, public restroom, public toilet and
30 toilet facility, public eating room and restaurant, dairy, milk plant or food
31 manufacturing or processing plant, and any premises in which the director has
32 reason to believe there exists a violation of any health law or rule of the
33 state that the director has the duty to administer.

34 7. Prepare sanitary and public health rules.

35 8. Perform other duties prescribed by law.

36 B. If the director has reasonable cause to believe that there exists a
37 violation of any health law or rule of the state, the director may inspect
38 any person or property in transportation through the state, and any car,
39 boat, train, trailer, airplane or other vehicle in which that person or
40 property is transported, and may enforce detention or disinfection as
41 reasonably necessary for the public health if there exists a violation of any
42 health law or rule.

43 C. The director may deputize, in writing, any qualified officer or
44 employee in the department to do or perform on the director's behalf any act

1 the director is by law empowered to do or charged with the responsibility of
2 doing.

3 D. The director may delegate to a local health department, county
4 environmental department or public health services district any functions,
5 powers or duties that the director believes can be competently, efficiently
6 and properly performed by the local health department, county environmental
7 department or public health services district if:

8 1. The director or superintendent of the local health agency,
9 environmental agency or public health services district is willing to accept
10 the delegation and agrees to perform or exercise the functions, powers and
11 duties conferred in accordance with the standards of performance established
12 by the director.

13 2. Monies appropriated or otherwise made available to the department
14 for distribution to or division among counties or public health services
15 districts for local health work may be allocated or reallocated in a manner
16 designed to assure the accomplishment of recognized local public health
17 activities and delegated functions, powers and duties in accordance with
18 applicable standards of performance. Whenever in the director's opinion
19 there is cause, the director may terminate all or a part of any delegation
20 and may reallocate all or a part of any funds that may have been conditioned
21 on the further performance of the functions, powers or duties conferred.

22 E. The compensation of all personnel shall be as determined pursuant
23 to section 38-611.

24 F. The director may make and amend rules necessary for the proper
25 administration and enforcement of the laws relating to the public health.

26 G. Notwithstanding subsection H, paragraph 1 of this section, the
27 director may define and prescribe emergency measures for detecting,
28 reporting, preventing and controlling communicable or infectious diseases or
29 conditions if the director has reasonable cause to believe that a serious
30 threat to public health and welfare exists. Emergency measures are effective
31 for no longer than eighteen months.

32 H. The director, by rule, shall:

33 1. Define and prescribe reasonably necessary measures for detecting,
34 reporting, preventing and controlling communicable and preventable diseases.
35 The rules shall declare certain diseases reportable. The rules shall
36 prescribe measures, including isolation or quarantine, reasonably required to
37 prevent the occurrence of, or to seek early detection and alleviation of,
38 disability, insofar as possible, from communicable or preventable diseases.
39 The rules shall include reasonably necessary measures to control animal
40 diseases transmittable to humans.

41 2. Define and prescribe reasonably necessary measures, in addition to
42 those prescribed by law, regarding the preparation, embalming, cremation,
43 interment, disinterment and transportation of dead human bodies and the
44 conduct of funerals, relating to and restricted to communicable diseases and

1 regarding the removal, transportation, cremation, interment or disinterment
2 of any dead human body.

3 3. Define and prescribe reasonably necessary procedures not
4 inconsistent with law in regard to the use and accessibility of vital
5 records, delayed birth registration and the completion, change and amendment
6 of vital records.

7 4. Except as relating to the beneficial use of wildlife meat by public
8 institutions and charitable organizations pursuant to title 17, prescribe
9 reasonably necessary measures to assure that all food or drink, including
10 meat and meat products and milk and milk products sold at the retail level,
11 provided for human consumption is free from unwholesome, poisonous or other
12 foreign substances and filth, insects or disease-causing organisms. The
13 rules shall prescribe reasonably necessary measures governing the production,
14 processing, labeling, storing, handling, serving and transportation of these
15 products. The rules shall prescribe minimum standards for the sanitary
16 facilities and conditions that shall be maintained in any warehouse,
17 restaurant or other premises, except a meat packing plant, slaughterhouse,
18 wholesale meat processing plant, dairy product manufacturing plant or trade
19 product manufacturing plant. The rules shall prescribe minimum standards for
20 any truck or other vehicle in which food or drink is produced, processed,
21 stored, handled, served or transported. The rules shall provide for the
22 inspection and licensing of premises and vehicles so used, and for abatement
23 as public nuisances of any premises or vehicles that do not comply with the
24 rules and minimum standards. The rules shall provide an exemption relating
25 to food and drink that is:

26 (a) Served at a noncommercial social event that takes place at a
27 workplace, such as a potluck.

28 (b) Prepared at a cooking school that is conducted in an
29 owner-occupied home.

30 (c) Not potentially hazardous and prepared in a kitchen of a private
31 home for occasional sale or distribution for noncommercial purposes.

32 (d) Prepared or served at an employee-conducted function that lasts
33 less than four hours and is not regularly scheduled, such as an employee
34 recognition, an employee fund-raising or an employee social event.

35 (e) Offered at a child care facility and limited to commercially
36 prepackaged food that is not potentially hazardous and whole fruits and
37 vegetables that are washed and cut on site for immediate consumption.

38 (f) Offered at locations that sell only commercially prepackaged food
39 and drink that is not potentially hazardous and that is displayed in an area
40 of less than ten ~~linear~~ LINEAR feet.

41 5. Prescribe reasonably necessary measures to assure that all meat and
42 meat products for human consumption handled at the retail level are delivered
43 in a manner and from sources approved by the Arizona department of
44 agriculture and are free from unwholesome, poisonous or other foreign
45 substances and filth, insects or disease-causing organisms. The rules shall

1 prescribe standards for sanitary facilities to be used in identity, storage,
2 handling and sale of all meat and meat products sold at the retail level.

3 6. Prescribe reasonably necessary measures regarding production,
4 processing, labeling, handling, serving and transportation of bottled water
5 to assure that all bottled drinking water distributed for human consumption
6 is free from unwholesome, poisonous, deleterious or other foreign substances
7 and filth or disease-causing organisms. The rules shall prescribe minimum
8 standards for the sanitary facilities and conditions that shall be maintained
9 at any source of water, bottling plant and truck or vehicle in which bottled
10 water is produced, processed, stored or transported and shall provide for
11 inspection and certification of bottled drinking water sources, plants,
12 processes and transportation and for abatement as a public nuisance of any
13 water supply, label, premises, equipment, process or vehicle that does not
14 comply with the minimum standards. The rules shall prescribe minimum
15 standards for bacteriological, physical and chemical quality for bottled
16 water and for the submission of samples at intervals prescribed in the
17 standards.

18 7. Define and prescribe reasonably necessary measures governing ice
19 production, handling, storing and distribution to assure that all ice sold or
20 distributed for human consumption or for the preservation or storage of food
21 for human consumption is free from unwholesome, poisonous, deleterious or
22 other foreign substances and filth or disease-causing organisms. The rules
23 shall prescribe minimum standards for the sanitary facilities and conditions
24 and the quality of ice that shall be maintained at any ice plant, storage and
25 truck or vehicle in which ice is produced, stored, handled or transported and
26 shall provide for inspection and licensing of the premises and vehicles, and
27 for abatement as public nuisances of ice, premises, equipment, processes or
28 vehicles that do not comply with the minimum standards.

29 8. Define and prescribe reasonably necessary measures concerning
30 sewage and excreta disposal, garbage and trash collection, storage and
31 disposal, and water supply for recreational and summer camps, campgrounds,
32 motels, tourist courts, trailer coach parks and hotels. The rules shall
33 prescribe minimum standards for preparation of food in community kitchens,
34 adequacy of excreta disposal, garbage and trash collection, storage and
35 disposal and water supply for recreational and summer camps, campgrounds,
36 motels, tourist courts, trailer coach parks and hotels and shall provide for
37 inspection of these premises and for abatement as public nuisances of any
38 premises or facilities that do not comply with the rules.

39 9. Define and prescribe reasonably necessary measures concerning the
40 sewage and excreta disposal, garbage and trash collection, storage and
41 disposal, water supply and food preparation of all public schools. The rules
42 shall prescribe minimum standards for sanitary conditions that shall be
43 maintained in any public school and shall provide for inspection of these
44 premises and facilities and for abatement as public nuisances of any premises
45 that do not comply with the minimum standards.

1 10. Prescribe reasonably necessary measures to prevent pollution of
2 water used in public or semipublic swimming pools and bathing places and to
3 prevent deleterious health conditions at these places. The rules shall
4 prescribe minimum standards for sanitary conditions that shall be maintained
5 at any public or semipublic swimming pool or bathing place and shall provide
6 for inspection of these premises and for abatement as public nuisances of any
7 premises and facilities that do not comply with the minimum standards. The
8 rules shall be developed in cooperation with the director of the department
9 of environmental quality and shall be consistent with the rules adopted by
10 the director of the department of environmental quality pursuant to
11 section 49-104, subsection B, paragraph 12.

12 11. Prescribe reasonably necessary measures to keep confidential
13 information relating to diagnostic findings and treatment of patients, as
14 well as information relating to contacts, suspects and associates of
15 communicable disease patients. In no event shall confidential information be
16 made available for political or commercial purposes.

17 12. Prescribe reasonably necessary measures regarding human
18 immunodeficiency virus testing as a means to control the transmission of that
19 virus, including the designation of anonymous test sites as dictated by
20 current epidemiologic and scientific evidence.

21 I. The rules adopted under the authority conferred by this section
22 shall be observed throughout the state and shall be enforced by each local
23 board of health or public health services district, but this section does not
24 limit the right of any local board of health or county board of supervisors
25 to adopt ordinances and rules as authorized by law within its jurisdiction,
26 provided that the ordinances and rules do not conflict with state law and are
27 equal to or more restrictive than the rules of the director.

28 J. The powers and duties prescribed by this section do not apply in
29 instances in which regulatory powers and duties relating to public health are
30 vested by the legislature in any other state board, commission, agency or
31 instrumentality, except that with regard to the regulation of meat and meat
32 products, the department of health services and the Arizona department of
33 agriculture within the area delegated to each shall adopt rules that are not
34 in conflict.

35 K. The director, in establishing fees authorized by this section,
36 shall comply with title 41, chapter 6. The department shall not set a fee at
37 more than the department's cost of providing the service for which the fee is
38 charged. State agencies are exempt from all fees imposed pursuant to this
39 section.

40 L. After consultation with the state superintendent of public
41 instruction, the director shall prescribe the criteria the department shall
42 use in deciding whether or not to notify a local school district that a pupil
43 in the district has tested positive for the human immunodeficiency virus
44 antibody. The director shall prescribe the procedure by which the department
45 shall notify a school district if, pursuant to these criteria, the department

determines that notification is warranted in a particular situation. This procedure shall include a requirement that before notification the department shall determine to its satisfaction that the district has an appropriate policy relating to nondiscrimination of the infected pupil and confidentiality of test results and that proper educational counseling has been or will be provided to staff and pupils.

M. Until the department adopts exemptions by rule as required by subsection H, paragraph 4, subdivision (b) of this section, a kitchen in a private home that is used as a cooking school and that prepares and offers food to students is exempt from the rules prescribed in subsection H of this section if all of the following are true:

1. Only one cooking school meal per day is prepared and served.
2. The meal is served to not more than fifteen cooking school students.
3. The students are informed by a statement contained in a published advertisement, mailed brochure and placard posted at the cooking school's registration that the food is prepared in a kitchen that is not regulated and inspected by the department or by a local health authority.

Sec. 2. Title 36, Arizona Revised Statutes, is amended by adding chapter 11, to read:

CHAPTER 11
BODY ART ESTABLISHMENTS
ARTICLE 1. GENERAL PROVISIONS

36-1301. Definitions

IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "BODY ART" MEANS THE PRACTICE OF PHYSICAL BODY ADORNMENT BY BODY PIERCING, TATTOOING, COSMETIC TATTOOING, PERMANENT SKIN COLORING, BRANDING, AND SCARIFICATION. BODY ART DOES NOT INCLUDE PRACTICES THAT ARE CONSIDERED MEDICAL PROCEDURES BY A STATE MEDICAL BOARD, PRACTICES THAT ARE NONINVASIVE FORMS OF PAINTING THROUGH THE USE OF DYES OR INKS OR PRACTICES CONSIDERED BY THE STATE BOARD OF COSMETOLOGY TO BE AESTHETICS, COSMETOLOGY OR NAIL TECHNOLOGY.
2. "BODY ART ESTABLISHMENT" MEANS ANY PLACE WHERE BODY ART IS PERFORMED, WHETHER OR NOT FOR PROFIT, UNDER THE DIRECTION OF A BODY ART ESTABLISHMENT OPERATOR.
3. "BODY ART ESTABLISHMENT EMPLOYEE" MEANS A PERSON WHO PRACTICES BODY ART AT A BODY ART ESTABLISHMENT UNDER THE DIRECTION OF A BODY ART ESTABLISHMENT OPERATOR.
4. "BODY ART ESTABLISHMENT OPERATOR" MEANS A PERSON WHO CONTROLS, OPERATES, MANAGES OR PRACTICES BODY ART ACTIVITIES AT A BODY ART ESTABLISHMENT.
5. "BODY PIERCING" MEANS PUNCTURING OR PENETRATING A PERSON'S SKIN WITH A NEEDLE OR SHARPENED JEWELRY AND INSERTING JEWELRY OR OTHER ADORNMENT IN THE OPENING. BODY PIERCING INCLUDES EAR PIERCING.
6. "DEPARTMENT" MEANS THE DEPARTMENT OF HEALTH SERVICES.

1 7. "EAR PIERCING" MEANS THE PUNCTURING OF THE OUTER PERIMETER OR LOBE
2 OF THE EAR WITH A NEEDLE.

3 8. "LOCAL PUBLIC HEALTH DEPARTMENT" MEANS A LOCAL HEALTH DEPARTMENT
4 ESTABLISHED PURSUANT TO CHAPTER 1, ARTICLE 4 OF THIS TITLE OR A COUNTY
5 ENVIRONMENTAL DEPARTMENT.

6 9. "TATTOOING" MEANS ANY METHOD OF PLACING INK OR OTHER PIGMENT INTO
7 OR UNDER THE SKIN OR MUCOSA TO PERMANENTLY COLOR THE SKIN OR MUCOSA BY USING
8 NEEDLES OR ANY OTHER INSTRUMENT TO PUNCTURE THE SKIN. TATTOOING INCLUDES ALL
9 FORMS OF COSMETIC TATTOOING AND PERMANENT SKIN COLORING SUCH AS EYELINER,
10 EYEBROWS, LIP LINER, FULL LIP COLOR, REPIGMENTATION OR CAMOUFLAGE.

11 36-1302. Prohibited acts

12 BEGINNING JANUARY 1, 2012, A BODY ART ESTABLISHMENT OPERATOR SHALL NOT:

13 1. OPERATE A BODY ART ESTABLISHMENT WITHOUT A LICENSE ISSUED PURSUANT
14 TO THIS ARTICLE.

15 2. AUTHORIZE OR PERFORM BODY ART ON ANY BODY PART OF A PERSON WHO IS
16 UNDER EIGHTEEN YEARS OF AGE WITHOUT THE WRITTEN CONSENT AND THE PHYSICAL
17 PRESENCE OF THE CHILD'S PARENT OR LEGAL GUARDIAN AT THE BODY ART
18 ESTABLISHMENT.

19 3. USE A NEEDLE TO TATTOO OR PIERCE THE BODY OF ANOTHER PERSON MORE
20 THAN ONCE OR USE A NEEDLE THAT IS NOT STERILIZED.

21 4. USE A STUD-AND-CLASP PIERCING GUN OR SYSTEM MORE THAN ONCE, UNLESS
22 THE GUN OR SYSTEM IS CAPABLE OF BEING DISINFECTED AND IS ACTUALLY DISINFECTED
23 AFTER EACH USE.

24 5. PIERCE ANY BODY PART OTHER THAN AN EAR WITH A PIERCING GUN OR
25 SYSTEM.

26 6. UNLESS PERMITTED PURSUANT TO A LICENSE ISSUED PURSUANT TO TITLE 32,
27 ADMINISTER ANESTHESIA DURING THE COURSE OF ANY PROCEDURE INVOLVING THE
28 BRANDING, SCARIFYING, TATTOOING, IMPLANTING, MUTILATING OR PIERCING OF THE
29 BODY OF ANOTHER PERSON.

30 7. ENGAGE IN THE BUSINESS OF TATTOOING, BRANDING, SCARIFYING,
31 IMPLANTING, MUTILATING OR BODY PIERCING OUT OF A HOME OR AN IMPERMANENT
32 STRUCTURE.

33 36-1303. Licensure; application; fees; posting

34 A. BEGINNING JANUARY 1, 2012, A BODY ART ESTABLISHMENT OPERATOR WHO
35 WISHES TO OPERATE A BODY ART ESTABLISHMENT MUST HAVE A CURRENT LICENSE ISSUED
36 BY A LOCAL PUBLIC HEALTH DEPARTMENT. A BODY ART ESTABLISHMENT OPERATOR WHO
37 WISHES TO OPERATE MORE THAN ONE ESTABLISHMENT MUST HAVE A SEPARATE LICENSE
38 FOR EACH ESTABLISHMENT.

39 B. A LOCAL PUBLIC HEALTH DEPARTMENT MAY ESTABLISH ITS OWN FEES
40 RELATING TO BODY ART ESTABLISHMENT LICENSURE.

41 C. AN APPLICANT FOR LICENSURE SHALL FILE A COMPLETED APPLICATION AS
42 REQUIRED BY THE DEPARTMENT OF HEALTH SERVICES. THE APPLICANT SHALL INCLUDE
43 THE APPLICATION FEE AS PRESCRIBED BY THE LOCAL PUBLIC HEALTH DEPARTMENT.

44 D. A LICENSE ISSUED PURSUANT TO THIS SECTION IS NOT TRANSFERABLE.

1 E. THE LICENSEE OR OPERATOR MUST POST THE LICENSE, AND IF APPLICABLE
2 THE MOST RECENT INSPECTION, IN A PROMINENT AND CONSPICUOUS AREA WHERE IT MAY
3 BE READILY OBSERVED BY CLIENTS.

4 36-1304. Compliance requirements; rules

5 AS A CONDITION OF LICENSURE, THE BODY ART ESTABLISHMENT OPERATOR AND
6 BODY ART ESTABLISHMENT EMPLOYEES MUST COMPLY WITH ALL STANDARDS PRESCRIBED BY
7 THE DEPARTMENT BY RULE.

8 36-1305. Temporary establishment; licensure

9 A. A BODY ART ESTABLISHMENT THAT IS LICENSED PURSUANT TO SECTION
10 36-1303 AND THAT WISHES TO OPERATE A TEMPORARY BODY ART ESTABLISHMENT AT
11 ANOTHER LOCATION FOR PRODUCT DEMONSTRATION, AN INDUSTRY TRADE SHOW OR
12 EDUCATION OR TO DEMONSTRATE BODY ART TECHNIQUES MUST HAVE A CURRENT TEMPORARY
13 LICENSE ISSUED BY THE LOCAL PUBLIC HEALTH DEPARTMENT.

14 B. AN APPLICANT FOR A TEMPORARY BODY ART ESTABLISHMENT LICENSE SHALL
15 FILE A COMPLETED APPLICATION AS REQUIRED BY THE LOCAL PUBLIC HEALTH
16 DEPARTMENT. THE APPLICANT SHALL INCLUDE THE APPLICATION FEE AS PRESCRIBED BY
17 THE LOCAL PUBLIC HEALTH DEPARTMENT. THE APPLICANT MUST HOLD A CURRENT
18 LICENSE IN GOOD STANDING PURSUANT TO SECTION 36-1303.

19 C. A TEMPORARY BODY ART ESTABLISHMENT LICENSE ISSUED PURSUANT TO THIS
20 SECTION IS NOT TRANSFERABLE AND IS ONLY VALID FOR NOT MORE THAN FOUR DAYS OR
21 UNTIL THE CONCLUSION OF THE SPECIAL EVENT, WHICHEVER DATE FIRST OCCURS.

22 D. THE BODY ART ESTABLISHMENT OPERATOR MUST POST THE TEMPORARY
23 LICENSE, AND IF APPLICABLE THE MOST RECENT INSPECTION, IN A PROMINENT AND
24 CONSPICUOUS AREA WHERE IT MAY BE READILY OBSERVED BY CLIENTS.

25 36-1306. Minimum standards for operation; county standards

26 A. THE DEPARTMENT OF HEALTH SERVICES SHALL ESTABLISH MINIMUM STANDARDS
27 REGARDING THE FOLLOWING THAT EACH BODY ART ESTABLISHMENT MUST COMPLY WITH AS
28 A CONDITION OF LICENSURE BY THE LOCAL PUBLIC HEALTH DEPARTMENT:

- 29 1. SANITATION.
- 30 2. PEST CONTROL.
- 31 3. PROPER DISPOSAL OF EQUIPMENT AND BODILY FLUIDS.
- 32 4. STERILIZATION OF EQUIPMENT AND SURFACE AREAS.
- 33 5. RECORD KEEPING AND OTHER BUSINESS PROCEDURES.
- 34 6. BODY ART ESTABLISHMENT EMPLOYEE REQUIREMENTS.

35 B. A COUNTY THAT REGULATES BODY ART ESTABLISHMENTS MUST ADOPT
36 STANDARDS THAT ARE AT LEAST AS STRINGENT AS THOSE PRESCRIBED BY THE
37 DEPARTMENT OF HEALTH SERVICES PURSUANT TO SUBSECTION A.

38 36-1307. Investigations; inspections; disciplinary action

39 A. TO DETERMINE COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION, THE
40 LOCAL PUBLIC HEALTH DEPARTMENT MAY RECEIVE AND INVESTIGATE COMPLAINTS,
41 INITIATE AND CONDUCT INVESTIGATIONS AND ENTER AND INSPECT A BODY ART
42 ESTABLISHMENT OR TEMPORARY ESTABLISHMENT DURING BUSINESS HOURS.

43 B. IF PURSUANT TO AN INSPECTION OR INVESTIGATION THE LOCAL PUBLIC
44 HEALTH DEPARTMENT BELIEVES THAT THE LICENSEE OR OPERATOR IS IN VIOLATION OF

1 THIS ARTICLE OR DEPARTMENT RULES, THE LOCAL PUBLIC HEALTH DEPARTMENT MAY DO
2 ANY OF THE FOLLOWING:

3 1. IF THE LOCAL PUBLIC HEALTH DEPARTMENT DETERMINES THAT THE VIOLATION
4 DOES NOT POSE A RISK TO THE PUBLIC HEALTH OR SAFETY, NOTIFY THE LICENSEE IN
5 WRITING OF ITS FINDINGS AND INSTRUCT THE LICENSEE TO TAKE SPECIFIC STEPS TO
6 CORRECT THE VIOLATION WITHIN A REASONABLE TIME.

7 2. ISSUE A CEASE AND DESIST ORDER.

8 3. IMPOSE A CIVIL PENALTY AS PRESCRIBED BY ORDINANCE FOR EACH
9 VIOLATION OF THIS CHAPTER. IN ADDITION, THE LOCAL PUBLIC HEALTH DEPARTMENT
10 MAY ASSESS AND COLLECT THE REASONABLE COSTS INCURRED IN A DISCIPLINARY
11 HEARING IF ACTION IS TAKEN AGAINST A PERSON'S LICENSE.

12 4. ACCEPT THE VOLUNTARY SURRENDER OF A LICENSE.

13 5. IF THE LOCAL PUBLIC HEALTH DEPARTMENT DETERMINES THAT PUBLIC SAFETY
14 REQUIRES IMMEDIATE ACTION, ORDER THE SUMMARY SUSPENSION OF A LICENSE OR THE
15 RESTRICTION OF THE LICENSEE'S BUSINESS OPERATION PENDING A HEARING CONDUCTED
16 PURSUANT TO TITLE 41, CHAPTER 6, ARTICLE 10.

17 36-1308. Investigations; inspections; disciplinary action

18 A. THIS CHAPTER DOES NOT PROHIBIT A COUNTY OR MUNICIPALITY FROM
19 ADOPTING AND ENFORCING REGULATIONS AFFECTING BODY ART ESTABLISHMENTS OR
20 LOCATIONS OR SETTINGS IN WHICH INDIVIDUALS, ENTITIES OR BUSINESSES ENGAGE IN
21 THE PRACTICE OF BODY ART.

22 B. A COUNTY OR MUNICIPALITY MAY IMPOSE REGULATIONS THAT ARE MORE
23 STRINGENT THAN THE RULES ADOPTED BY THE DEPARTMENT PURSUANT TO THIS CHAPTER.

24 Sec. 3. Exemption from rule making

25 For the purposes of this act, the department of health services is
26 exempt from the rule making requirements of title 41, chapter 6, Arizona
27 Revised Statutes, for two years after the effective date of this act. The
28 department shall hold at least two public meetings before adopting rules
29 pursuant to this act.